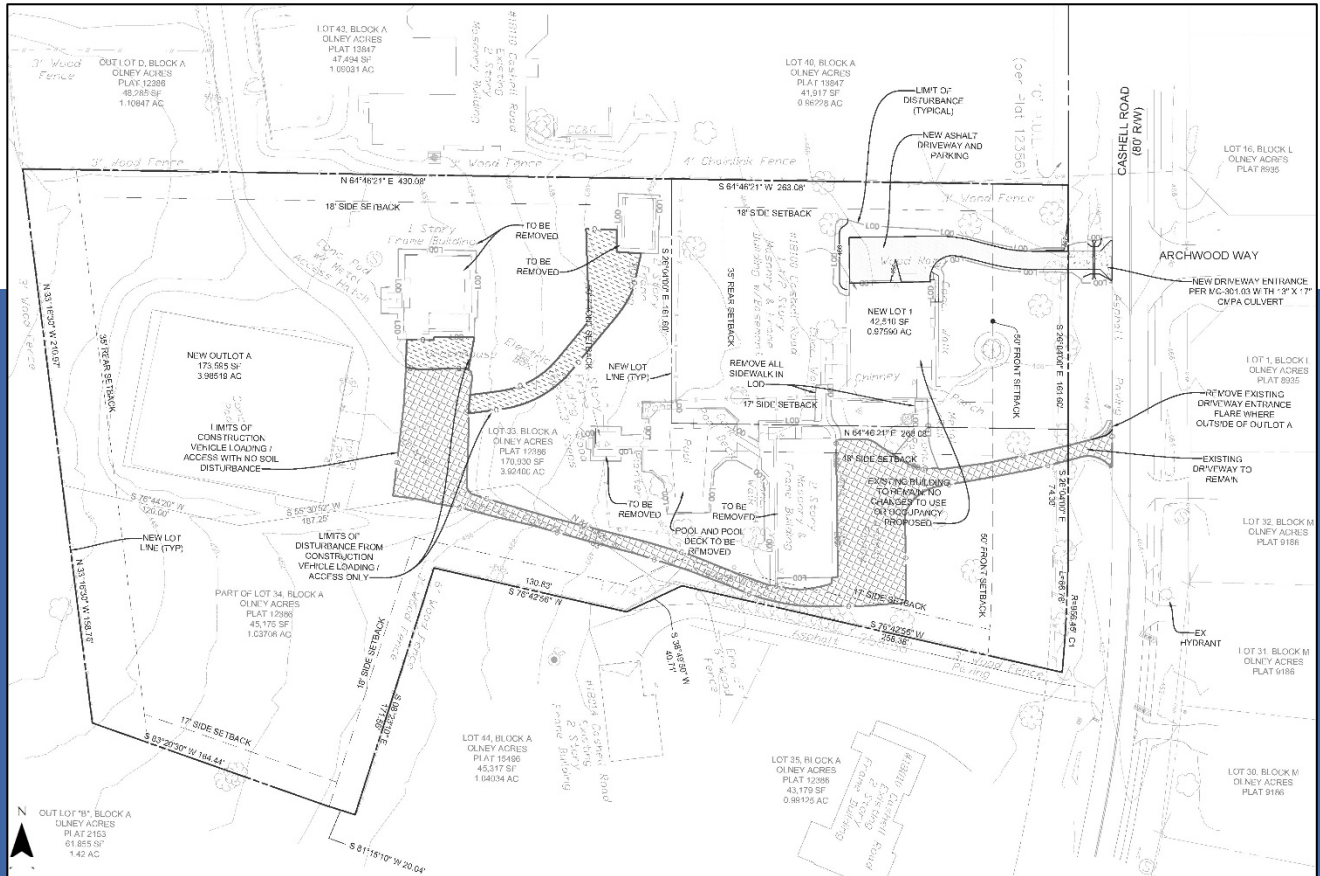


OLNEY ACRES

PRELIMINARY PLAN NO. 120220070



Description

Application to subdivide an existing 4.96-acre lot into a 0.98-acre lot for an existing residential care facility (Alfred House) and an outlot of approximately 3.98 acres.

No. 120220070

Completed: 8-26-2022

MCPB

Item No. 12

9-8-2022

Montgomery County

Planning Board

2425 Reddie Drive, Floor 14

Wheaton, MD 20902

Planning Staff

JS

Jeffrey Server, Planner III, Upcounty Planning, jeffrey.server@montgomeryplanning.org, 301-495-4513

SP

Sandra Pereira, Supervisor, Upcounty Planning, sandra.pereira@montgomeryplanning.org, 301-495-2186

Patrick Butler, Chief, Upcounty Planning, patrick.butler@montgomeryplanning.org, 301-495-4561

LOCATION/ADDRESS

18100 Cashell Road, approximately 75 feet southwest of Archwood Way

MASTER PLAN

2005 *Approved and Adopted Olney Master Plan*

ZONE

RE-1

PROPERTY SIZE

4.96 acres

APPLICANT

AlfredHouse Elder Care, Inc.

ACCEPTANCE DATE

March 9, 2022

REVIEW BASIS

Chapters 22A and 50



Summary:

- Staff recommends Approval with conditions.
- The Application does not propose any construction on the Subject Property. The only physical changes proposed are the demolition and removal of existing structures and reconfiguration of the existing driveway apron on the proposed outlot.
- The Application substantially conforms to the 2005 *Approved and Adopted Olney Master Plan* by maintaining the existing residential care use on proposed Lot 1.
- The Application is exempt from constructing pedestrian, bicycle, or other public facilities as it falls below the minimum threshold for improvement and will not result in a net increase in square footage, dwellings, or trips.
- The Application satisfies the requirements of Chapter 22A, Forest Conservation Law, by providing one acre of off-site forest mitigation via in-lieu fee.
- No community correspondence has been received to date.

TABLE OF CONTENTS

SECTION 1: RECOMMENDATIONS AND CONDITIONS	3
PRELIMINARY PLAN 120220070	3
SECTION 2: SITE DESCRIPTION	5
VICINITY.....	5
PROPERTY DESCRIPTION.....	8
SECTION 3: PROJECT DESCRIPTION	8
PREVIOUS APPROVALS.....	8
PROPOSAL	9
SECTION 4: PRELIMINARY PL AN 120220070 FINDINGS AND ANALYSIS	9
SECTION 5: COMMUNITY OUTREACH	17
SECTION 6: CONCLUSION	17
ATTACHMENTS	17

SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN 120220070

Staff recommends approval with conditions of the Preliminary Plan to subdivide an existing lot into a 0.98-acre lot for an existing residential care facility (Alfred House) and an outlot of approximately 3.98 acres. All site development elements shown on the latest electronic version of the Preliminary Plan as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.

GENERAL APPROVAL

1. This Preliminary Plan is limited to one (1) lot for one (1) residential care facility with up to 8 persons and one (1) outlot.

ADEQUATE PUBLIC FACILITIES AND OUTSIDE AGENCIES

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

PLAN VALIDITY PERIOD

3. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated July 8, 2022, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated June 7, 2022, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

7. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated January 28, 2022, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

OTHER APPROVALS

Clearing/ Grading/ Demo

8. Before approval of a record plat or any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of this Preliminary Plan.
9. Except for clearing and grading associated with the demolition of the existing two-story office building, swimming pool, and two small outbuildings and paving, there shall be no clearing or grading of the site prior to recordation of plat(s).

ENVIRONMENT

Forest Conservation

10. The Applicant must comply with the following conditions of approval for the Final Forest Conservation Plan No. 120220070, approved as part of this Plan:
 - a) The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
 - b) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
 - c) Prior to the start of any clearing, grading or construction for this development Application, whichever comes first, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Upper Rock Creek watershed to satisfy the afforestation requirement for a total of 1.00 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Upper Rock Creek watershed or by making a fee-in-lieu payment to M-NCPPC if mitigation credits are not available at any bank.
 - d) The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.

TRANSPORTATION

Existing Frontage Improvements

11. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
 - a) Any land necessary to accommodate eighty (80) feet from the opposite right-of-way line along the Subject Property frontage for Cashell Road.

RECORD PLATS

Easements

12. The record plat must show necessary easements.

Notes and Labels

13. The record plat must reflect all areas under common ownership.

CERTIFIED PRELIMINARY PLAN

14. The certified Preliminary Plan must contain the following notes:

- a) *Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
- b) *The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant and the general contractor must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Preliminary Plan is required to be on-site at all times.*

15. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

- a) Show resolutions and approval letters on the certified set.
- b) Modify the data table to reflect development standards approved by the Planning Board.
- c) Update the Cashell Road street section on Sheet PP0.02 to be consistent with the Preliminary Plan drawing.

SECTION 2: SITE DESCRIPTION

VICINITY

Surrounding properties are predominantly residential in character on a mix of large estate and smaller lots, all within the RE-1 and R-200 Zones. Surrounding properties range in size and contain single-family detached residential houses. The Subject Property abuts residential properties to the north, south, and west which are zoned RE-1. To the east, across Cashell Road, are residential properties which are zoned R-200. Further north on Cashell Road are residential properties zoned RE-1 and are located within the Upper Rock Creek Overlay zone, which includes a TDR-2.0 receiving area.

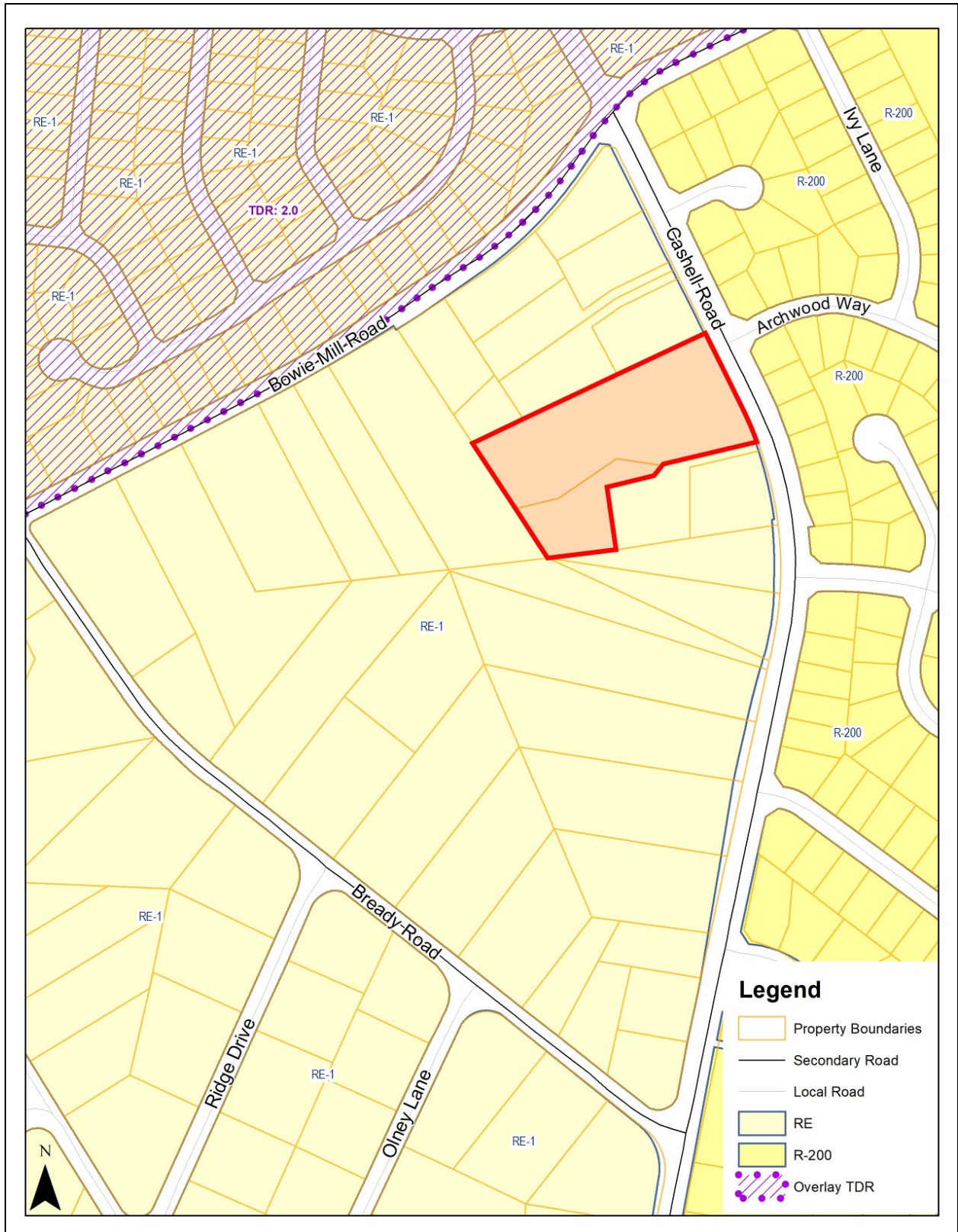


Figure 1 – Zoning Map

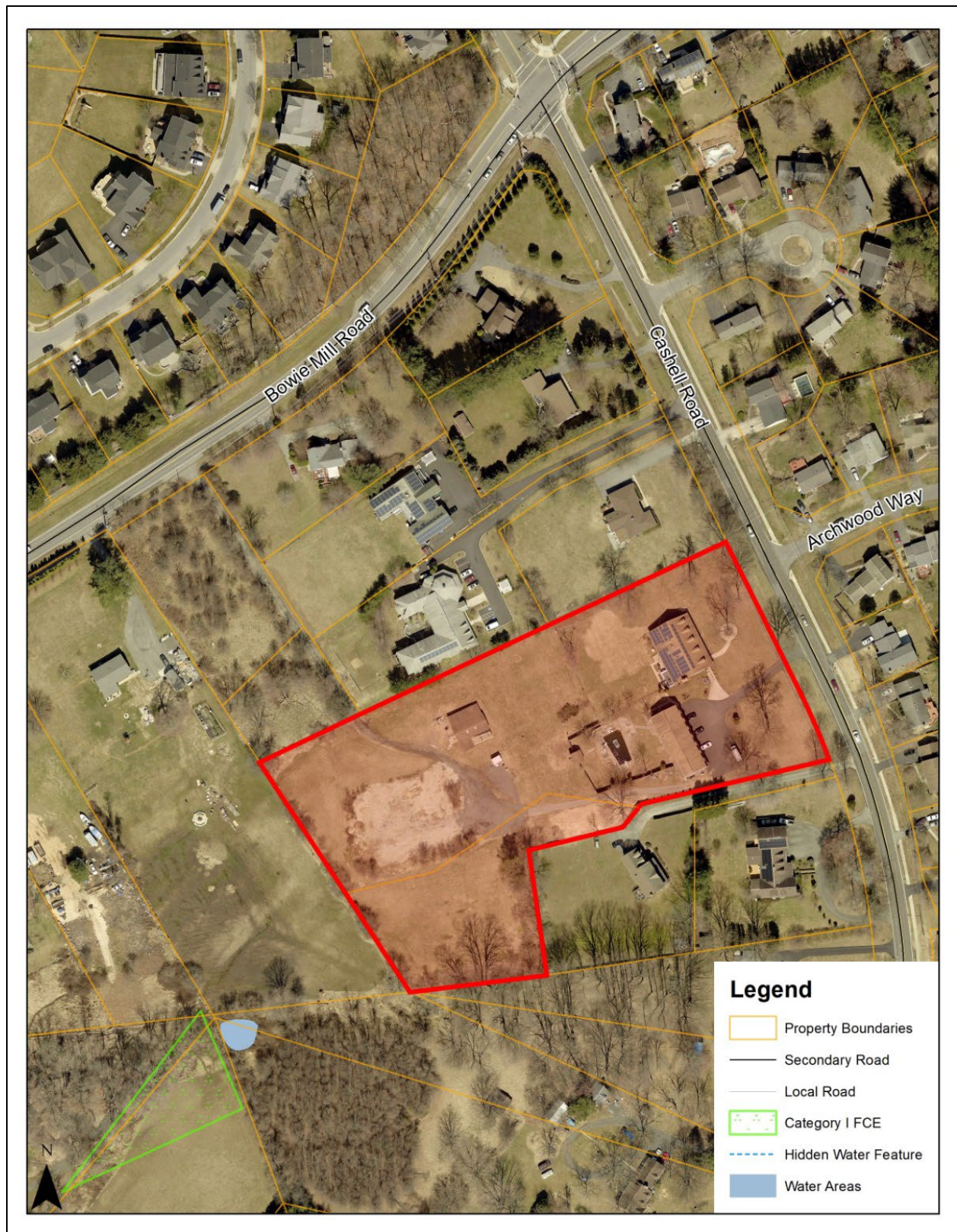


Figure 2 – Aerial View of the Subject Property

PROPERTY DESCRIPTION

The Subject Property is a 4.96-acre polygonal lot (216,105 sq. ft.), with the existing Alfred House residential care facility located in the northeast corner of the lot. The Subject Property fronts on Cashell Road, with the closest intersection located at Archwood Way. The Property, as depicted in Figures 1 and 2 above, is developed with existing structures and a driveway. The existing structures include a two-story office building, a swimming pool, and two small outbuildings. The Subject Property was originally a part of the Olney Acres subdivision (Preliminary Plan No. 119811510) and is composed of Lot 33 (Attachment H) and part of Lot 34 (Attachment I). The Property is located within the Rock Creek watershed, which is classified by the State of Maryland as Use Class III waters. The Subject Property includes existing landscaping in the form of grass and perimeter trees along the northern, southern, and western property lines. There are no sensitive environmental features located on the Property. No known rare, threatened, or endangered species or habitats exist on the Subject Property. There are no designated historic sites on or near the Property.

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

PRELIMINARY PLAN 119811510

Preliminary Plan No. 119811510 was approved on March 29, 1984 to create eight lots on 18.53 acres of land.

SPECIAL EXCEPTION S1474

Special Exception S1474 permitted the continued use of a commercial riding stable and applied to the Subject Property, as well as surrounding adjacent properties. The Special Exception is no longer in effect and was revoked in 2010.

SPECIAL EXCEPTION S1794

Special Exception S1794 permitted the continued use of an existing accessory apartment on the Subject Property. The Special Exception is no longer in effect and was revoked in 2007.

DPS PERMIT

DPS issued a Permit for the Alfred House since it was limited to 8 beds and a permitted use within the zone.

PRELIMINARY PLAN 120220070

[illegible]

Figure 3 – Proposed Preliminary Plan

The Preliminary Plan would create one lot for an existing residential care facility (Alfred House) and an outlot, on 4.96 acres of land. This Application has been reviewed for compliance with the Montgomery

County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable State, County and City agencies.

1. The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.

The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The proposed lot size, width, shape, and orientation are appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan, and for the existing use (Residential Care Facility) to be maintained on the Subject Property.

The proposed lot was reviewed for compliance with the dimensional requirements for the RE-1 Zone as specified in the Zoning Ordinance. Proposed Lot 1 of 0.98 acres, will meet all the dimensional requirements for area and frontage and can accommodate the existing Residential Care Facility use, which can reasonably meet the width and setback requirements in that zone. A summary of this review is included in Table 1. The remaining 3.98 acres will be a platted outlot, with no proposed development. Any future development of the outlot will require subsequent regulatory approval. The Preliminary Plan has been reviewed by other applicable County agencies, all of whom have recommended approval.

Table 1 - Development Review Table

RE-1 Zone	Required	Proposed Lot 1	Proposed Outlot¹
Minimum Lot Area	40,000 sq. ft.	42,510 sq. ft. (+/-) (0.98 acres)	173,595 sq. ft. (+/-) (3.98 acres)
Minimum Lot Frontage	25 feet	25 feet or greater	N/A
Minimum Lot Width at B.R.L.	125 feet	125 feet or greater	N/A
Maximum Lot Coverage	15%	15% or less	N/A
Min. Setbacks (for all lots)			
Front	50 feet	50 feet or greater	N/A
Side street setback	20 feet	20 feet or greater	N/A
Side	17 feet (Sum of side setbacks is 35 feet)	17 feet or greater (Sum of side setbacks 35 feet or greater)	N/A
Rear	35 feet	35 feet or greater	N/A
Max. Building Height	50 feet	50 feet or less	N/A
Site Plan Required	No	No	N/A

¹ No improvements or development will occur on the proposed outlot. The outlot will be available for future development, subject to review and approval under Chapter 50.

RE-1 Zone	Required	Proposed Lot 1	Proposed Outlot¹
Min. Parking Req.	3 spaces ²	3 spaces ²	N/A
Min. Bicycle Spaces	0 spaces ³	0 spaces ³	N/A

2. *The Preliminary Plan substantially conforms to the Master Plan.*

The Property is located within the “Southern Olney” plan neighborhood of the 2005 *Olney Master Plan*. The Preliminary Plan does not propose any new land uses. Only a new driveway has been proposed at this time, and other buildings and an old pool are being removed as part of the Application.

The Master Plan does not have any property-specific recommendations for the Property, and there are only general recommendations for this part of the Southern Olney plan neighborhood, mostly related to maintaining or enhancing environmental protections. There are no streams, wetlands, or forests on the Property in need of protection, but any future development should include reforestation and the minimization of impervious surfaces.

The *Olney Master Plan* places strong emphasis on the protection and enhancement of environmental resources such as sensitive areas, important watersheds, forests and green infrastructure and greenways. The Subject Property is located on a ridge between two sub watersheds and away from sensitive areas. It contains no forest and proposes a minimum amount of impervious surface, in conformance with the Master Plan.

Other Master Plan recommendations broadly apply to the Application. The Master Plan “reinforces the concept of Olney as a housing resource in one of the residential wedge areas of the County” (p. 59). It also “support[s] elderly housing projects of appropriate densities at appropriate locations” (p. 75).

The existing use, an eight-bed residential care facility, is a residential use located in an area that the Master Plan reinforces for such uses. Given that the Applicant has not proposed any new uses on the Property, the Application is in substantial conformance with the recommendations of the Master Plan.

3. *Public facilities will be adequate to support and service the area of the subdivision.*

a) *Roads and other Transportation Facilities*

The Application will maintain the existing 80 ft. ROW width of Cashell Road in line with the 2018 *Master Plan of Highways and Transitways*. Per the March 3, 2022 *De Minimis Criteria*

² The parking count remains unchanged as the same number of spaces will be provided on the new driveway for Lot 1. Parking was calculated as: (8 beds x 0.25) + (1 employee x 0.5) = 2.5, rounded up to 3 parking spaces.

³ There are no bicycle spaces required because the existing residential care facility only includes 8 dwelling units, which is well below 20 dwelling units.

for *Very Small Residential and Commercial Development Projects* policy, this Application is exempt from construction of frontage improvements as it falls below the minimum threshold for improvement; it will not result in a net increase in square footage, dwellings, or trips that would trigger improvements. Any future development of Outlot 1 may require frontage improvements, which will be reviewed as part of any future application. This Application proposes an additional driveway on Cashell Road at Archwood Way to serve Lot 1. The existing driveway located just to the south will be maintained on Cashell Road for the outlot, as will the existing driveway to Bowie Mill Road.

b) Local Area Transportation Review (LATR)

The Application is exempt from LATR review as it will not result in a net increase in trips. The proposal will have a negligible impact on the surrounding transportation facilities and decrease trip generation due to the demolition of an existing office building. The site's current - and future - use as an assisted living facility generates less than 50 peak-hour trips, thereby rendering a transportation study insignificant based on 2020-2024 Growth and Infrastructure Policy guidelines.

c) Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lot. The lot will be served by public water and sewer.

The Application has been reviewed by the MCDPS, Fire Department Access and Water Supply Section, who determined in their letter, dated January 28, 2022 (Attachment F), that the Subject Property does not require a Fire Department Access Plan as there is no new construction proposed for the Property and the existing configuration has adequate access for emergency vehicles.

Electric and telecommunications services are available and adequate to serve the Subject Property. Other public facilities and services, such as police stations, firehouses, and health services are currently operating within the standards set by the 2020-2024 Growth and Infrastructure Policy. The Application can be adequately served by all applicable public facilities and services. Because this Application proposes to create a new lot for an existing residential care facility (Alfred House) and an outlot for the remaining acreage, it does not have an impact on schools.

4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. Included with the Forest Conservation Plan is a request for a tree variance for impacts to five trees. The Preliminary

Plan complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as described below.

a) *Natural Resource Inventory/Forest Stand Delineation*

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) 420220400 for this Property was approved on October 5, 2021. The NRI/FSD identifies the environmental features and forest resources on the Subject Property. The NRI/FSD identifies the Subject Property within the Upper Rock Creek watershed, but not within the Special Protection Area. The Subject Property contains no forest but does have nine onsite trees with a diameter breast height (“DBH”) of 30 inches or more. The Subject Property does not contain any streams, wetlands or other sensitive environmental features.

b) *Forest Conservation Plan*

The Applicant has submitted a Preliminary/Final Forest Conservation Plan (“FCP”) with the current development plan application for Preliminary Plan 120220070. The Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A, and is in compliance with the Montgomery County Planning Department’s approved Environmental Guidelines.

The Subject Property is zoned RE-1 and is assigned a Land Use Category of Medium Density Residential (“MDR”) as defined in Section 22A-3 of the Montgomery County Forest Conservation Law (“FCL”) and in the Land Use Table of the Trees Technical Manual. This results in an afforestation threshold of 20% of the Net Tract Area.

The tract area for forest conservation purposes includes the 4.96-acre Subject Property plus .02 acres of offsite disturbance associated with this Application, for a total net tract area of 4.98 acres. There is no existing forest on the Subject Property. There is an afforestation requirement of 1.0 acres equal to the afforestation threshold. The Applicant proposes to meet the planting requirement off-site with an in-lieu fee payment or at a Forest Mitigation Bank if available.

c) *Forest Conservation Variance*

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these trees, including removal of the subject tree or disturbance within the tree’s critical root zone (“CRZ”) requires a variance under Section 22A-12(b)(3) (“Variance”). Otherwise, such resources must be left in an undisturbed condition. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater

DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Variance Request - The Applicant submitted a variance request in a letter dated August 22, 2022 (Attachment G). The Applicant proposes to impact five (5) Protected Trees that are 30 inches or greater DBH, that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law (Table 2).

Table 2 – Protected Tree to be impacted

Tree Number	Species	DBH Inches	% CRZ Impacts	Status and Notes
4	Northern Red Oak (<i>Quercus rubrum</i>)	42"	30%	Fair condition
7	White Oak (<i>Quercus alba</i>)	32"	44%	Fair condition
10	Tulip Poplar (<i>Liriodendron tulipifera</i>)	45"	12%	Good condition
11	Red Maple (<i>Acer rubrum</i>)	34"	19%	Good condition
13	Red Maple (<i>Acer rubrum</i>)	37"	29%	Fair condition

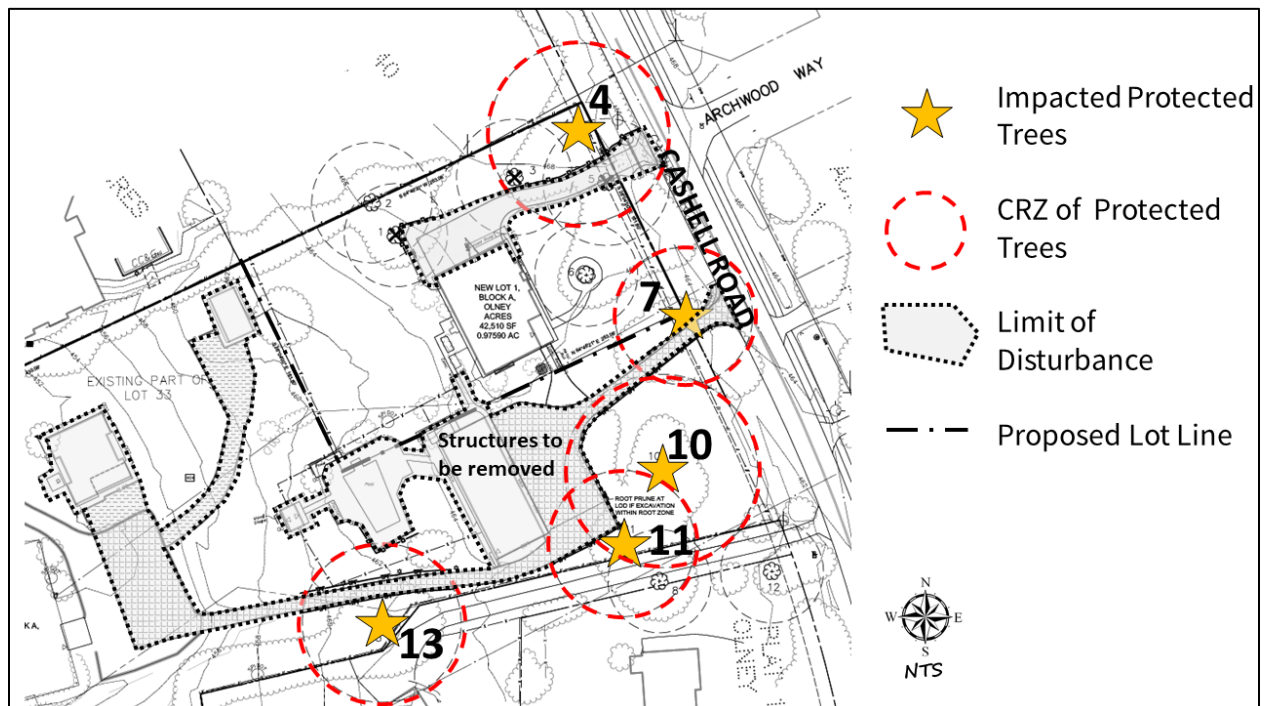


Figure 4 - Tree Variance Exhibit

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. The five Protected Trees are being impacted as a result of the need to provide safe access to the existing residential care facility (Alfred House) and the removal of existing structures to meet development standards. The creation of this lot requires a new driveway location that aligns with existing Archwood Way and the requirement for direct Fire Department access to the structure. The proposed driveway alignment results in the least amount of impact to the existing front yard variance trees. Tree 7 is being impacted because of a requirement to modify the existing driveway apron on Cashell Road. Trees 11 and 13 are impacted due to the requirement to remove the existing structures on the Property in order to meet setback requirements in the Zoning Ordinance. Therefore, there is a sufficient unwarranted hardship to justify a variance request because the Applicant would otherwise be denied the ability to use the Property for the creation of single residential lot in the RE-1 zone, which is a reasonable and significant use of the Property.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed Forest Conservation Plan:

d) Variance Findings

- i. ***Will not confer on the applicant a special privilege that would be denied to other applicants.***

Granting the variance will not confer a special privilege on the Applicant as disturbance to the specified trees is due to the need to provide safe access to the existing residential care facility (Alfred House) opposite to existing Archwood Way and the removal of existing structures to meet development standard requirements associated with the development of the Subject Property. Granting a variance to allow disturbance meets the objectives of the Master Plan, the development standards of the RE-1 zone, and is not unique to this Applicant. Granting of this variance is not a special privilege that would be denied to other applicants.

- ii. ***Is not based on conditions or circumstances which are the result of the actions by the applicant.***

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing

site conditions, development standards of the zone, and necessary design requirements of this Application.

- iii. ***Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.***

The requested variance is a result of the existing conditions, the need for a new driveway and the need to meet development standards of the RE-1 zone, and not as a result of land or building use on a neighboring property.

- iv. ***Will not violate State water quality standards or cause measurable degradation in water quality.***

The variance will not violate State water quality standards or cause measurable degradation in water quality. No specimen trees will be removed, and the impacted tree is not within a stream buffer, wetland or Special Protection Area. The Application will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provision

No mitigation is proposed since no specimen trees will be removed.

Variance Recommendation

Staff recommends approval of the variance request.

5. ***All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.***

The Preliminary Plan Application is exempted from the requirement of providing stormwater management and a stormwater concept submittal. The exemption was granted on the basis that the Application does not propose any new construction, other than a new driveway for Lot 1 and the reduction of the apron width of the existing driveway on the outlot. The Applicant received approval for the exemption from MCDPS on June 20, 2022 (Attachment E).

6. ***Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.***

There is no evidence, actual notice, or constructive notice of a burial site on the Subject Property. The Subject Property is not included in the Montgomery County Inventory.

7. Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.

No other provisions apply to the Subdivision.

SECTION 5: COMMUNITY OUTREACH

The Applicant has met all proper signage and noticing requirements for the Preliminary Plan Application.

As of the date of this Staff Report, no correspondence has been received.

SECTION 6: CONCLUSION

As conditioned, the Olney Acres Preliminary Plan application satisfies the findings under Section 50.4.3 and the applicable standards of the Zoning Ordinance, substantially conform to the recommendations of the 2005 *Approved and Adopted Olney Master Plan* and satisfies the findings of the Subdivision Regulations. Therefore, Staff recommends approval of the Olney Acres Preliminary Plan with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Statement of Justification

Attachment B: Preliminary Plan Composite

Attachment C: Final Forest Conservation Plan Composite

Attachment D: MCDOT Approval Letter, July 8, 2022

Attachment E: MCDPS Stormwater Management Exemption Letter, June 7, 2022

Attachment F: MCDPS Fire Department Access Approval Letter, January 28, 2022

Attachment G: Tree Variance Request

Attachment H: Record Plat No. 12386

Attachment I: Record Plat No. 15496

Preliminary Plan Application No. 120220070

Olney Acres Subdivision

18100 Cashell Road, Rockville, Maryland

Applicant's Statement of Justification

December 28, 2021

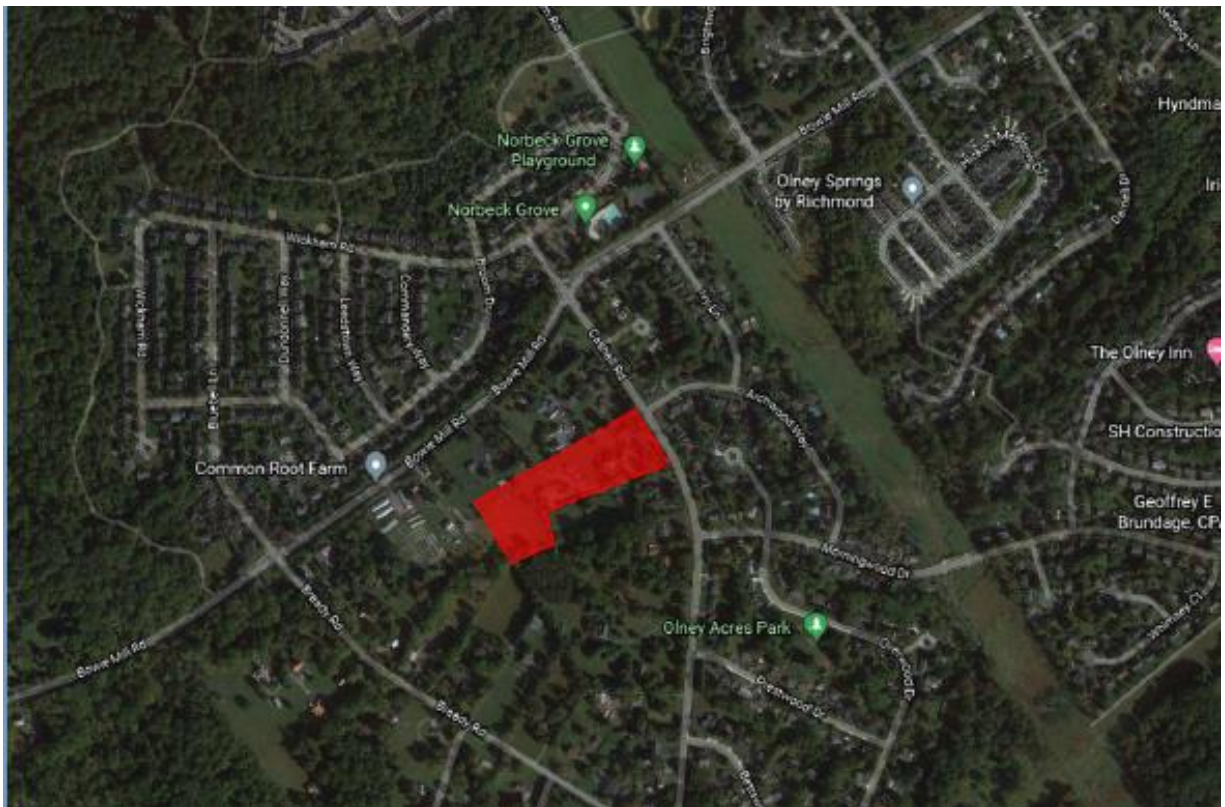
Introduction

The Veena J. Alfred Trust, represented by trustee Dr. Veena J. Alfred (the "Applicant"), seeks approval for a preliminary plan of subdivision to divide the Applicant's property located at 18100 Cashell Road, Rockville (the "Subject Property") into two lots: a one-acre lot for an existing Alfred House senior assisted living and memory care facility, and a second lot of about four acres containing the remainder of the property. No construction is planned in connection with the proposed subdivision. The only physical changes proposed at this time are to build a new driveway for the existing Alfred House facility and to demolish a two-story office building, a swimming pool and two small outbuildings located on the larger portion of the property. The Subject Property includes approximately five acres of land and is zoned RE-1. As shown on the location map on the next page, it is located on the west side of Cashell Road in Rockville, across from Archwood Way and between Bowie Mill Road and Morningwood Way.

Existing Conditions

The Subject Property consists of Part of Lot 33 and Part of Lot 34, Olney Acres Subdivision. It fronts on Cashell Road to the east and is bordered to the north, south and west by large-lot residential uses in the RE-1 zone. Across Cashell Road, the Subject Property confronts single-family homes in the R-200 zone.

Figure 1 – Site Location



The Subject Property is currently developed with an existing Alfred House senior living and memory care facility in the northeast corner of the site, on the future Lot 1, Block A. The future Lot 2, Block A contains a two-story office building close to the southeast corner, a swimming pool located behind the office building, and two small outbuildings, all of which will be demolished in connection with the preliminary plan approval. There is a single driveway serving both the Alfred House facility and the office building. The existing lot configuration and improvements are shown on the submitted Preliminary Plan, excerpted below.

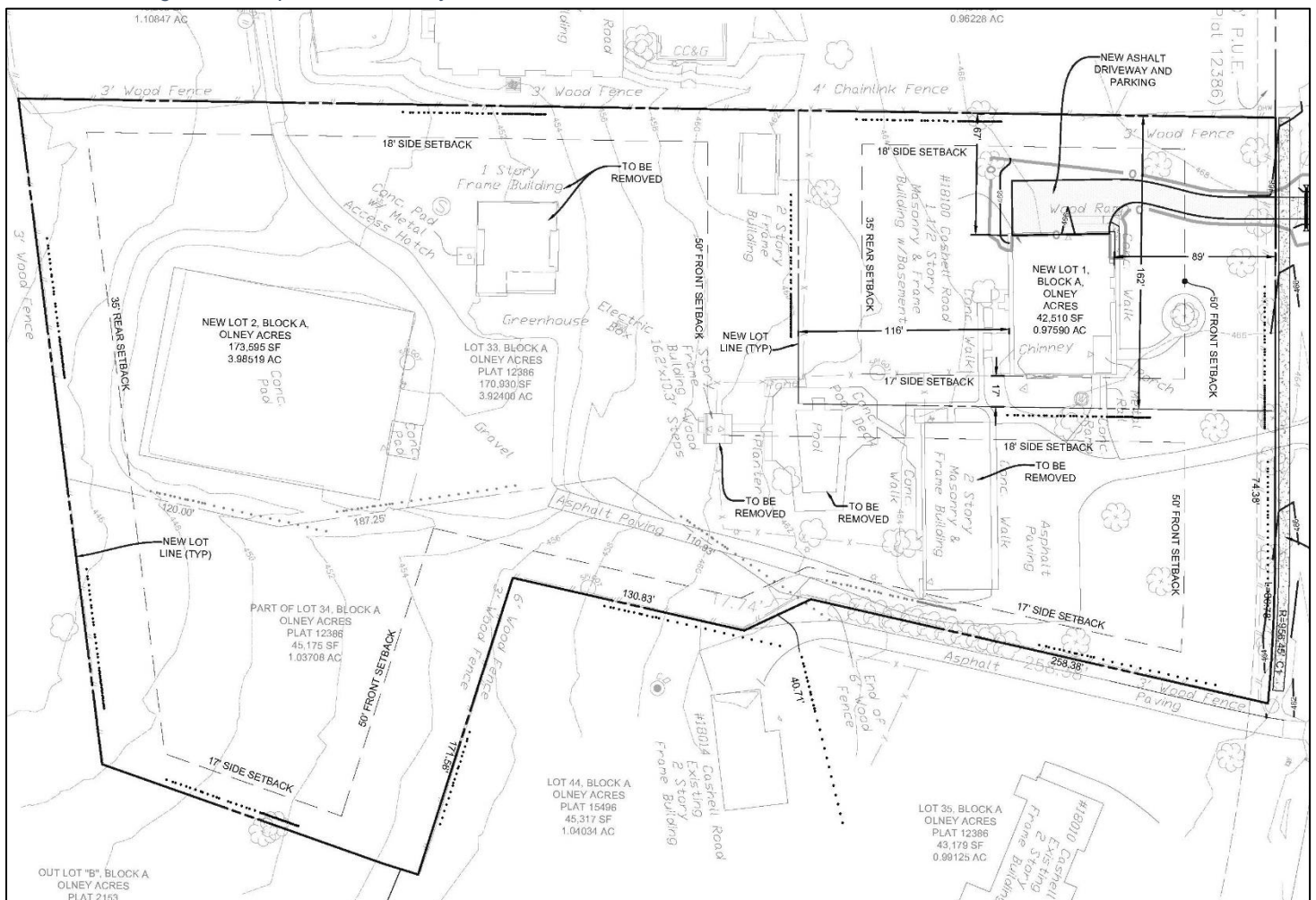
The Subject Property contains no noteworthy environmental features. Landscaping consists primarily of grass and perimeter trees spaced along the northern, southern and western boundary lines. The approved Natural Resources Inventory/Forest Stand Delineation indicates that the site has no forest, streams, wetlands or threatened or endangered species. The Subject Property was once the

site of a Commercial Riding Stable special exception and an accessory apartment special exception. These special exceptions were revoked in 2010 and 2007, respectively.

Subdivision Description

The Alfred House facility on the Subject Property is part of a group of similar facilities owned and operated by the Applicant. As part of long-term planning for the Alfred House facilities as a whole, the Applicant seeks to create an appropriately-sized lot for this Alfred House facility, with its own driveway connecting to Cashell Road. The Applicant does not have any present plans to develop the larger, four-acre portion of the property. The existing office building on the larger portion of the property will be demolished to allow a new lot line to be drawn between the office building and the Alfred House facility without resulting in a deficient side setback for either building. The new lot configuration is shown on the proposed preliminary plan, excerpted below.

Figure 2 – Proposed Preliminary Plan



Master Plan Conformance

The Subject Property is located in the Southern Olney area of the Olney Master Plan, approved and adopted 2005 (the “Master Plan”). The Master Plan contains no recommendations specific to the Subject Property. For Southern Olney, the Master Plan encourages protection of existing communities by avoiding a proliferation of commercial uses, clustering new housing to preserve existing forest along streams and headwaters, and locating new housing along existing sewer lines. Master Plan at 22. The Subject Property contains no streams, headwaters or forest, and is served by public water and sewer. Moreover, no new construction is proposed other than a driveway. Accordingly, the proposed subdivision will substantially conform to the goals and recommendations of the Master Plan. The Master Plan also recommends connecting properties in the quadrant with bikeways, walkways and park trails to enhance pedestrian and bicycle access. Master Plan at 23. The Bicycle Master Plan, approved and adopted 2018, calls for no frontage improvements on the western side of Cashell Road. Because the proposed use generates fewer than 50 person trips in the morning and evening peak hours, no off-site improvements are required.

Preliminary Plan Findings

The proposed preliminary plan satisfies the findings required for approval in Montgomery County Code Chapter 50, Section 4.2.D., quoted below in bold and italics.

- 1. The layout of the subdivision, including size, width, shape, orientation, and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.***

The proposed preliminary plan satisfies these requirements. The layout and density are appropriate for the use and the area. The one-acre lot will be the appropriate size to support continuation of the existing Alfred House use. The larger lot will be roughly the size of the existing Part of Lot 33, and similar in shape to the existing combination of Parts of Lots 33 and 34. The surrounding neighborhood has several large, irregularly-shaped lots interspersed among lots that are rectangular and roughly one acre in size. The proposed subdivision will convert two irregularly-shaped parts of lots into one rectangular, one-acre lot and one irregularly-shaped lot. Both of these types of lots are

present in the surrounding neighborhood, making the subdivision layout appropriate for the location as well as the proposed use. The proposed subdivision satisfies applicable requirements of Chapter 59, as shown on the Zoning Analysis Table included on the submitted preliminary plan cover sheet.

2. The preliminary plan substantially conforms to the master plan.

As discussed above, the proposed project substantially conforms to the Master Plan.

3. Public facilities will be adequate to support and service the area of the subdivision.

All necessary public facilities will be adequate for the area of the subdivision. The subdivision will result in a decrease in trips by removing the existing office building. As a non-residential site, the Subject Property will continue to have no impact on school capacity. The Subject Property is served by public water and sewer systems as well as electric, gas, and telecommunications services. The proposed project is expected to have no impact on the adequacy of other public facilities, such as police and fire stations.

As noted in the submitted Transportation Statement, because the existing and continuing Alfred House facility on the Subject Property generates fewer than 50 person trips in the morning and evening peak hours, the Applicant was not required to submit a Traffic Study and is not responsible for any roadway or off-site improvements under the County's Growth and Infrastructure Policy. Based on the County's proposed Complete Streets policy, it has been suggested that the Applicant construct a sidewalk along the Subject Property's Cashell Road frontage. Given the negligible impact of this modest preliminary plan proposal, which introduces no new uses and *decreases* trip generation, the Applicant considers this improvement to be disproportionate to its impact on the community and therefore inappropriate. In the event that the Planning Board disagrees and requires a frontage improvement as a condition of approval, the Applicant requests to pay a fee in lieu of constructing the sidewalk. Because the present application involves no construction other than a residential driveway, the Applicant will not be mobilizing heavy equipment and is poorly placed to undertake construction of a public sidewalk. Moreover, there is no existing sidewalk on the west side of Cashell Road in the vicinity of the Subject Property, so constructing a short segment of sidewalk would be of limited value.

4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

The submitted Preliminary/Final Forest Conservation Plan demonstrates that the applicant will satisfy the one-acre afforestation requirement through off-site forest banking, if available, or through payment of a fee in lieu. A tree variance request has been submitted for one specimen tree that will unavoidably be impacted by construction of the new driveway.

5. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.

The proposed subdivision generates no Chapter 19 requirements because the amount of disturbance will be less than 5,000 square feet.

6. Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3M.

The Applicant is not aware of any burial site within the subdivision boundary, nor is any such burial site listed in the Montgomery County Cemetery Inventory.

7. Any other applicable provision specific to the property and necessary for approval of the subdivision is satisfied.

Not applicable.

Conclusion

The proposed subdivision will convert two irregularly shaped parts of lots into a rectangular, one-acre lot for an existing senior residential care facility and one irregularly-shaped lot with no present uses. Both of these lot types are present in the surrounding neighborhood. The proposed subdivision will not introduce any new uses to the Subject Property and will reduce the number of vehicular trips by necessitating the removal of an office building. It will be consistent with the requirements of Chapter 59 and will substantially conform to the Master Plan. For all of these reasons, the proposed preliminary plan should be approved.

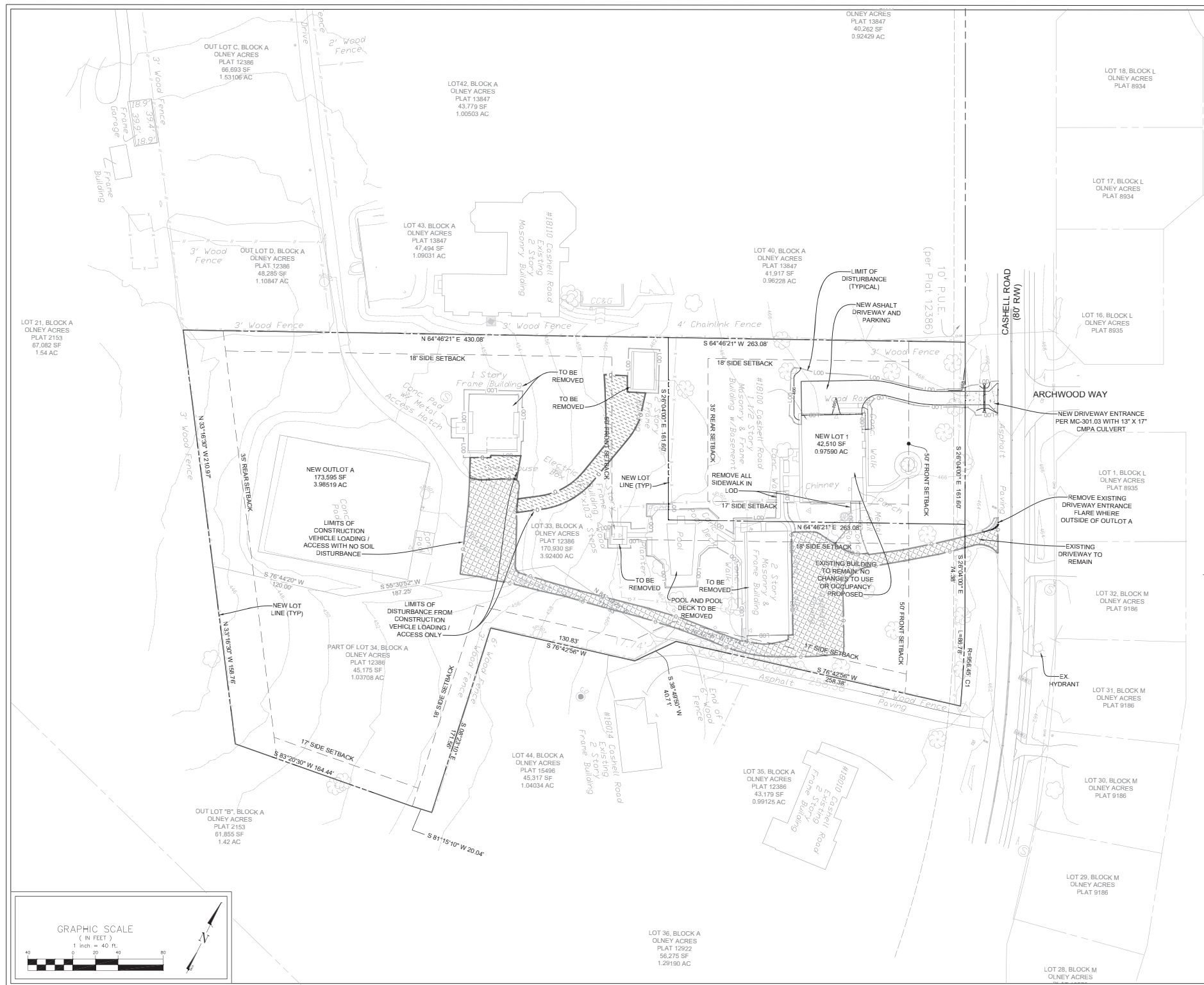
This submission is intended to satisfy the requirements of the Code and the Planning Board's submission standards for preliminary plan and site plan applications. If amended or supplemental information becomes necessary to support the present application, the Applicant will make a supplemental submission in a timely fashion.

Respectfully submitted,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

By: 
Françoise M. Carrier

ATTACHMENT B

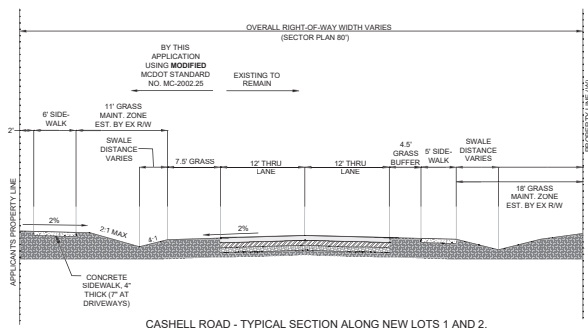
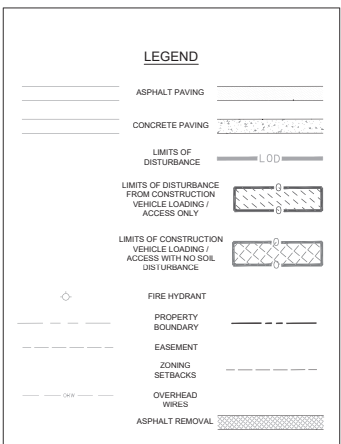


PRELIMINARY PLAN

ZONING ANALYSIS FOR RE-1						
ZONING REQUIREMENT/DESCRIPTION	PERMITTED REQUIREMENT	PROVIDED PER PLAN FOR LOT 1	MEETS REQUIREMENT (Y/N)	PROVIDED PER PLAN FOR LOT 2	MEETS REQUIREMENT (Y/N)	
MIN. LOT AREA PER S9-4.4.6.B :	40,000 SF	42,510 SF	Y	173,595 SF	Y	
MIN. LOT WIDTH AT FRONT BLDG. LINE PER S9-4.4.6.B :	125 FT	162 FT	Y	N/A	Y	
MIN. LOT WIDTH AT FRONT LOT LINE PER S9-4.4.6.B :	25 FT	162 FT	Y	161 FT	Y	
MAX. DENSITY PER S9-4.4.6.B :	1.09 UNIT/ACRE	1.03 UNITS/ACRE	Y	0	Y	
	15 %					
MAXIMUM COVERAGE PER S9-4.4.6.B :	LOT 1: 6,377 SF OUTLOT A: 20,000 SF	10 % (4,008 SF)	Y	1 % (2,014 SF)	Y	
PRINCIPAL BUILDING MIN. FRONT SETBACK PER S9-4.4.6.B :	50 FT	89 FT	Y	N/A	Y	
PRINCIPAL BUILDING MIN. SIDE SETBACK PER S9-4.4.6.B :	17 FT	17 FT	Y	N/A	Y	
PRINCIPAL BUILDING SUM OF BOTH SIDE SETBACK PER S9-4.4.6.B :	35 FT	84 FT	Y	N/A	Y	
PRINCIPAL BUILDING REAR SETBACK PER S9-4.4.6.B :	35 FT	116 FT	Y	N/A	Y	
ACCESSORY STRUCTURES MIN. FRONT SETBACK PER S9-4.4.6.B :	80 FT	N/A	Y	N/A	Y	
ACCESSORY STRUCTURES MIN. SIDE SETBACK PER S9-4.4.6.B :	15 FT	N/A	Y	N/A	Y	
ACCESSORY STRUCTURES MIN. REAR SETBACK PER S9-4.4.6.B :	10 FT	N/A	Y	N/A	Y	
MAX. HEIGHT PER S9-4.4.6.B :	50 FT	-22 FT	Y	N/A	Y	
MIN. PARKING SPACES PER S9-2.4 :	3 SPACES	3 SPACES ¹⁾	Y	N/A	Y	
(8 BEDS X 0.25) + (1 EMPLOYEE X 0.5) = 2.5, ROUND UP TO 3 SPACES						
MINIMUM NUMBER OF BICYCLE SPACES: S9-2.4.C	N/A SINCE UNDER 20 DWELLING UNITS	0	Y	N/A SINCE UNDER 20 DWELLING UNITS	Y	

NOTES:

- ALL BUILDINGS AND ACCESSORY STRUCTURES ARE TO BE DEMOLISHED ON LOT 2
- NO ACCESSORY STRUCTURES ON LOT 1
- SPACES ARE ACCOMMODATED IN NEW ASPHALT PARKING AREA / DRIVE WAY



VICINITY MAP
SCALE 1" = 2,000'

Professional Certification
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the Laws of the State of Maryland. Lic. No. 16905 Exp. Date: 04.21.2022

PROJECT TEAM

OWNER/PLANT:
VERENA J ALPHEUS TRUST
10100 CAMPBELL RD
ROCKVILLE, MD 20853
301-460-6587

CIVIL ENGINEER & LANDSCAPE ARCHITECT:
MACRIS, HENDRICKS & GLADCOCK, P.A.
2010 WISCONSIN ROAD, SUITE 120
MONTGOMERY VILLAGE, MD 20886
PHONE: (301) 670-6540
FAX: (301) 670-6540
E-MAIL: PLAVAY@MHQPA.COM

LAND USE ATTORNEY:
BELLIS ATTORNEYS
7315 WISCONSIN AVENUE, SUITE 800 WEST
BETHESDA, MD 20814
PHONE: (301) 656-2707
FAX: (301) 656-2707
E-MAIL: FCARMER@REGISMAN-LLP.COM

TAX MAP HT122 WSSC 224NW06

PLAT 12386

8TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

**LOT 33 & PT LOT 34
OLNEY ACRES**

ALFRED HOUSE/CASHELL
ROAD

PROJ. MGR	KJH
-----------	-----

SCALE 1"= 40'

PRELIMINARY PLAN

PP0.02

PROJECT NO.	08.169.13
SHEET NO.	OF

ATTACHMENT C

FOREST CONSERVATION NOTES:

PROPERTY DESCRIPTION: PART OF LOT 33 AND PART OF LOT 34, OLNEY ACRES
ADDRESS: 18100 CASHELL ROAD
TAX ACCOUNT #08-0725950 AND #08-01890075
CURRENT ZONING CLASSIFICATION: R-E-1
WATERSHED: UPPER ROCK CREEK
SPECIAL PROTECTION AREA: NA
PRIMARY MANAGEMENT AREA: NA

FOREST CONSERVATION DATA TABLE

DESCRIPTION	SIZE
Property Area	4.96 Acres
Off-site Disturbance	0.00 Acres
Total Tract Area	4.96 Acres
Tract remaining in Ag use	0.00 Acres
Road & Utility ROW (Unimproved)	0.00 Acres
Existing Forest	0.00 Acres
Total Forest Retention	0.00 Acres
Total Forest Cleared	0.00 Acres
Land Use Category	MOR
Afforestation Threshold	20%
Reforestation Threshold	25%
Stream(s) Length: NA	Average Buffer Width: NA

Acres of Forest In:	Retained	Cleared	Planted
Wetlands	0.00	0.00	0.00
100yr Floodplain	0.00	0.00	0.00
Stream Buffers	0.00	0.00	0.00
Other Priority Areas	0.00	0.00	0.00

FOREST CONSERVATION WORKSHEET
ALFRED HOUSE/CASHELL ROAD

NET TRACT AREA:				
A. Total tract area ...				4.96
B. Additions to tract area (Off-Site Work, etc.; construction required by this plan)...				0.02
C. Land dedication acres (parks, county facility, etc.) ...				0.00
D. Land dedication for roads or utilities (construction not required by this plan) ...				0.00
E. Area to remain in commercial agricultural production/use ...				0.00
F. Other deductions (specify)				0.00
G. Net Tract Area				4.98

LAND USE CATEGORY: (from Chapter 22A-3. Definitions)

Input the number "1" under the appropriate land use, limit to only one entry.

ARA	MOR	IDA	HDR	MPD	CIA
0	1	0	0	0	0

G. Afforestation Threshold ...	20%	x G =	1.00
H. Conservation Threshold ...	25%	x G =	1.25

EXISTING FOREST COVER:

I. Existing forest cover	0.00
J. Area of forest above afforestation threshold	0.00
K. Area of forest above conservation threshold	0.00

BREAK EVEN POINT:

L. Forest retention above threshold with no mitigation	0.00
M. Clearing permitted without mitigation	0.00

PROPOSED FOREST CLEARING:

N. Total area of forest to be cleared	0.00
O. Total area of forest to be retained	0.00

PLANTING REQUIREMENTS:

P. Reforestation for clearing above conservation threshold	0.00
Q. Reforestation for clearing below conservation threshold	0.00
R. Credit for retention above conservation threshold	0.00
S. Total reforestation required	0.00
T. Total afforestation required	1.00
U. Credit for landscaping (may not exceed 20% of "S")	0.00
V. Total reforestation and afforestation required	1.00

worksheet date 5/13/2019

FOREST CONSERVATION REQUIREMENT OF 1.00 ACRES TO BE MET VIA FOREST BANK IF AVAILABLE OTHERWISE TO BE MET VIA FEE-IN-LIEU.

ID #	Common Name	Botanical Name	DBH	CRZ (ft.)	CRZ (radius)	Conditions/Remarks
1	Bitternut Hickory	Carya cordiformis	24	4069	36	Fair - deadwood, cracks and swollen areas, wound closure
2	Mockernut Hickory	Carya tomentosa	28	5539	42	Good - deadwood, vines (p. ivy)
3	Bitternut Hickory	Carya cordiformis	27	5150	40.5	Poor - diseased, swollen areas, deadwood, fungus, crack on trunk, potential hazard to building
*4	Red Oak	Quercus rubra	42	12463	63	Fair - dead leaves prob from Ccads, deadwood, vines, epicomic
5	White Oak	Quercus alba	29.5	6148	44.25	Good - dead leaves prob from Ccads, deadwood
6	Bitternut Hickory	Carya cordiformis	24	4069	36	Good - epicomic growth
*7	White Oak	Quercus alba	32	7235	48	Fair - wound with rot at flare, epicomic, deadwood, some dead leaves
8	Red Maple	Acer rubrum	24 - 12	4069	36	Good - deadwood
*9	Tulip Poplar	Liriodendron tulipifera	30 - 15	6359	45	Good - 1" trunk appears to be a weak connection
*10	Tulip Poplar	Liriodendron tulipifera	45	14307	67.5	Good - light deadwood, small wounds on trunk and canopy
*11	Red Maple	Acer rubrum	34	8167	51	Good - deadwood
12	Red Maple	Acer rubrum	24	4069	36	Poor - deadwood, cavities, partially topped, swollen areas
*13	Red Maple	Acer rubrum	37	9672	55.5	Fair/Poor - girdled roots, cavity/rot, deadwood, sparse canopy, dieback
*14	Tulip Poplar	Liriodendron tulipifera	40 - 36	11304	60	Fair - base rot, deadwood
15	Tulip Poplar	Liriodendron tulipifera	24	4069	36	Poor - scar, rot, other trunk broken off
16	Shingle Oak	Quercus muhlenbergii	24	4069	36	Good
*17	Tulip Poplar	Liriodendron tulipifera	36 - 22	9156	54	Poor - heavy rot, trunks splitting apart
*18	Tulip Poplar	Liriodendron tulipifera	36	9156	54	Good - deadwood

Notes: Diameters are given for each trunk of multiple bole trees when division occurs below 4.5 feet. If major division occurs above 4.5 feet only the trunk diameter at 4.5 feet is given. Tree ID Numbers correspond to those assigned on the Natural Resource Inventory/Forest Stand Delineation Map off-site tree diameters are estimated.

*Specimen tree

VARIANCE TREE IMPACT TABLE					
Tree ID#	DBH	Species	Impact/Remove	% Impacted	Condition
4	42	Red Oak	Impact	30%	Fair
7	32	White Oak	Impact	44%	Fair
10	45	Tulip Poplar	Impact	12%	Good
11	34	Red Maple	Impact	19%	Good
13	37	Red Maple	Impact	29%	Fair/Poor

TREE IMPACTS ARE SMALLER THAN LISTED DUE TO CONSTRUCTION TRAFFIC GOING ON PAVED DRIVEWAY. IN THESE AREAS VEHICLES WILL STAY ON PAVEMENT AND NO ROOTS WILL BE DISTURBED.



Civil Engineers
Land Planners
Landscape Architects
Land Surveyors

9220 Wightman Road, Suite 120
Montgomery Village, MD 20886
Phone: 301.570.0840
www.mhggca.com

Copyright © 2020 by Martin, Hendricks & Glascock, P.A. All Rights Reserved

FRANK C. JOHNSON
08/22/2022
DATE
RECOGNIZED AS QUALIFIED PROFESSIONAL BY
MD DEPT. OF NATURAL RESOURCES
COMES 05.10.01

Qualified Professional Certification
I hereby certify that the information shown herein is correct and that this plan has been prepared in accordance with the requirements of the existing state and county forest conservation legislation.

OWNER/APPLICANT:
VEENA J. ALFRED TRUST
18100 CASHELL RD
ROCKVILLE, MD 20853
301-460-6997

REVISIONS		
NO.	DESCRIPTION	DATE

TAX MAP HT122 WSSC 02400005

PLAT 12386

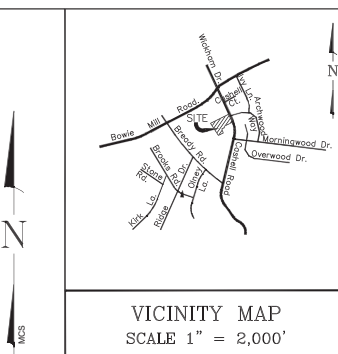
8TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

PART OF LOT 33 &
PART OF LOT 34
OLNEY ACRES
ALFRED HOUSE/CASHELL
ROAD

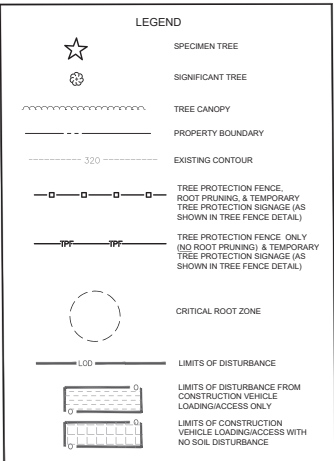
PROJ. MGR	KJH
DRAWN BY	FCJ
SCALE	1"=50'
DATE	12.16.2021

PRELIMINARY/FINAL
FOREST CONSERVATION
PLAN
#120220070

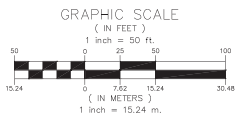
L9.01
PROJECT NO. 08.169.13
SHEET NO. 1 OF 2



VICINITY MAP
SCALE 1" = 2,000'



DEVELOPER'S CERTIFICATE
The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 120220070, including financial bonding, forest planting, maintenance and all other applicable agreements.
Developer's Name: Alfred House Elder Care Company
Dr. Veena Alfred
Contact Person
Address: 18100 Cashell Rd Rockville, MD 20853
Phone: 301-460-6997
Email: VJALFRED@GMAIL.COM
Signature: _____





DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher Conklin
Director

July 8, 2022

Mr. Jeffrey Server, Planner Coordinator
Up-County Division
The Maryland-National Capital
Park & Planning Commission
2425 Reedie Drive
Wheaton, Maryland 20902

RE: Preliminary Plan No. 120220070
Olney Acres

Dear Mr. Server:

We have completed our review of the administrative plan uploaded to Eplans on April 20, 2022. A previous version of this plan was reviewed by the Development Review Committee (DRC) at its meeting on March 29, 2022. We recommend approval of the plan subject to the following comments:

Significant Plan Review Comments

1. Reconstruct the existing driveway apron to proposed Lot 2 so that northern driveway flare is entirely south of the proposed lot line that divides Lots 1 and 2.
2. Prior to DPS approval of the record plat, the applicant will be required to submit an updated Sight Distances Evaluation certification form, for the existing and proposed driveways, which indicates mailbox and sign removal has been completed to achieve a minimum of 325 feet of sight distance in each direction.
3. This project meets the March 2022 "De Minimis Criteria for Very Small Residential and Commercial Development Projects". The no-net-new construction results in a fee multiplier of 0, and therefore, no fee.

Standard Plan Review Comments

4. All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Montgomery County Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX
www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

for access permit. This letter and all other correspondence from this department should be included in the package.

5. The storm drain study was reviewed and is acceptable to MCDOT. No improvements are needed to the downstream public storm drain system for this plan.
6. If the proposed development will alter any existing signage and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
7. Trees in the County rights-of-way – spacing and species are to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
8. Posting of a right-of-way permit bond is a prerequisite to DPS approval of the record plat. The right-of-way permit will include, but not necessarily be limited to, the following improvements:
 - A. Street trees along Cashell Road.
 - B. Permanent monuments and property line markers, as required by Section 50-4.3(G) of the Subdivision Regulations.
 - C. Erosion and sediment control measures as required by Montgomery County Code 19 and on-site stormwater management, where applicable, shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

Thank you for the opportunity to review this administrative plan. If you have any questions or comments regarding this letter, please contact me at william.whelan@montgomerycountymd.gov or (240) 777-2173.

Sincerely,

William Whelan

William Whelan
Development Review Team
Office of Transportation Policy

Mr. Jeffrey Server
Preliminary Plan No. 120220070
July 8, 2022
Page 3

Sharepoint/transportation/director's office/development review/WhelanW/120220070 Olney Acres - MCDOT Review Letter 070822.docx

cc: SharePoint Correspondence FY 23

cc-e:	Kyle Hughes	MHG
	Sam Farhadi	MCDPS RWPR
	Marie LaBaw	MCFRS

Macris, Hendricks and Glascock, P.A.
Engineers • Planners • Surveyors • Landscape Architects

9220 Wightman Road, Suite 120
Montgomery Village, Maryland
20886-1279
Phone 301.670.0840
Fax 301.948.0693
www.mhgpa.com



June 7, 2022

Mr. Mark Etheridge, Manager
Montgomery County
Department of Permitting Services
Water Resources Section
2425 Reedie Drive, 7th Floor
Wheaton, MD 20902

Re: Alfred House
SWM Concept
Preliminary Plan No. 120220070
MHG Project No. 2008.169.13

Mr. Etheridge:

On behalf of our client, the Veena J. Alfred Trust, we hereby request that you confirm by signing below that the project is exempt from the requirement of providing stormwater management and that a formal stormwater concept submittal is not required.

This is an unusual preliminary plan application in that its purpose is merely to create an appropriately-sized lot for an existing use. No construction is proposed or planned other than a new driveway, which will disturb less than 5,000 square feet of land. Article II, Section 19-31(c) states that "any development not associated with the construction of a new residential or commercial building if the development does not disturb more than 5,000 square feet of land area." Accordingly, the project is exempt from the stormwater management requirements under Article II.

We believe that a formal stormwater management concept submittal should not be required for this project because of the limited purpose of the preliminary plan application and the very small amount of disturbance associated with the project.

Please indicate your concurrence with the information presented above and confirm that the project is exempt from the requirement of providing stormwater management and that a formal stormwater concept submittal is not required by signing as provided below.

Mr. Mark Etheridge, Manager
Montgomery County Department of Permitting Services
June 7, 2022

Included for your use is a copy of Preliminary Plan No. 120220070. If you have any questions or require additional information, please contact us at your convenience.

Thank you for your assistance with this project.

Sincerely,
Steve wilde
Steve Wilde

Mark Etheridge

Mark Etheridge June 20, 2022
MCDPS-WR



Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 28-Jan-22
TO: Stephen Crum - scrum@mhgpa.com
Macris, Hendricks & Glascock
FROM: Marie LaBaw
RE: Olney Acres
120220070

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **28-Jan-22** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

***** See statement of performance based design *****

Macris, Hendricks and Glascock, P.A.

Engineers • Planners • Surveyors • Landscape Architects

9220 Wightman Road, Suite 120

Montgomery Village, Maryland

20886-1279



FIRE CODE ENFORCEMENT Phone 301.670.0840
Fax 301.948.0693

Fire Department Access Review www.mhgpa.com

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

BY: SAC FM: 43 DATE: 1/28/2022

January 25th, 2022

Dr. Marie LaBaw, PhD, P.E.
Montgomery County Department of Permitting Services
Zoning, Well and Septic and Code Compliance
2425 Reedie Drive, 7th floor
Wheaton, Maryland 20902

Re: Scope of Work and Fire Access
Veena J. Alfred Trust
18100 Cashell Rd
Rockville, MD 20853
MHG Project No. 2008.169.13

Dear Dr. LaBaw:

On behalf of the property owner, Venna J. Alfred Trust, we are submitting this letter describing the scope of work associated with the Olney Acres Preliminary Subdivision Plan #120220070. The referenced property includes two lots located at the following address: 18100 Cashell Road, Rockville, MD 20853. The Preliminary Subdivision Plan indicates adjusting the lot lines with the result being two lots. The existing single-family home, used as a residential care facility (for 8 persons or less), is to remain. The main side hinged door of this building is located 118' from Cashell Road. There are no proposed use changes for this building. The plans show adding a new entrance and driveway to the building. The plan also shows demolishing all existing structures besides the single-family home on the property so the end result will be two lots – one lot will include the single-family residential care facility along with the new entrance and driveway and the other lot will be lawn in all areas except where the existing asphalt paving is located. All existing asphalt and the existing driveway entrance is to remain. The plan shows no new buildings or structures being developed.

Since the above scope of work does not show any Fire Department Apparatus Access changes to the site, we are requesting your agreement that a Fire Department Apparatus Access Plan is not applicable for the Olney Acres Preliminary Subdivision Plan #120220070; please confirm.

If any additional information is required or questions arise, please contact us at your convenience.

Professional Certification
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the Laws of the State of Maryland.
License No. 16905,
Expiration Date: 04/21/2022



Sincerely,

Stephen E. Crum

Stephen E. Crum, P.E.

OLNEY ACRES

PRELIMINARY PLAN #120220070

SHEET INDEX

- 1 COVER SHEET & PRELIMINARY PLAN
- 2 RESOLUTION SHEET
- 3 AGENCY LETTERS SHEET



VICINITY MAP
SCALE 1" = 2,000'

MHG
Civil Engineers
Land Planners
Landscape Architects
Land Surveyors
5220 Wightman Road, Suite 120
Montgomery Village, MD 20886
Phone: 301.870.0840
www.mhga.com
Copyright © 2020 by Maria, Hendricks & Glascock, P.A. All Rights Reserved

Professional Certification
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the Laws of the State of Maryland, Lic. No. 16905 Exp. Date: 04-21-2022



PROJECT TEAM
OWNER/APPLICANT:
VEENA J. ALFRED TRUST
1810 CASHELL RD
ROCKVILLE MD 20853
301-480-6567
CIVIL ENGINEER & LANDSCAPE ARCHITECT:
MARIE HENDRICKS & GLASCOCK, P.A.
5220 WIGHTMAN ROAD, SUITE 120
MONTGOMERY VILLAGE, MD 20886
PHONE: 301-870-0840
FAX: 301-870-0841
EMAIL: PLANS@MHGA.COM
LAND USE ATTORNEY:
BRUCE A. HARRIS
7315 WOODBURN AVENUE, SUITE 800 WEST
BETHESDA, MD 20814
PHONE: 301-656-2707
CONTACT: FRANCESCA CANNON
EMAIL: FCANNON@BETHESDAANLAW.COM

- GENERAL NOTES**
1. THE TOPOGRAPHY SHOWN IS TAKEN FROM A FIELD RUN SURVEYS PREPARED BY MHG, SUPPLEMENTED WITH AVAILABLE GIS RECORDS. THE HORIZONTAL DATUM IS BASED ON THE MARYLAND COORDINATE SYSTEM (NAD 83/01) DATUM AS PROJECTED BY NGS. VERTICAL DATUM IS BASED ON NAVD 28.
 2. EXISTING UTILITIES SHOWN ARE BASED ON VISIBLE SURVEYED APPURTENANCES, ACCESSIBLE STRUCTURES AND PLANS OF RECORD.
 3. BOUNDARY INFORMATION IS BASED ON AN BOUNDARY VERIFICATION SURVEYS PREPARED BY MHG.
 4. THE PROPERTY IS WITHIN THE OLNEY MASTER PLAN.
 5. THE PROPERTY IS WITHIN THE ROCK CREEK WATERSHED.
 6. THE EXISTING WATER SERVICE CATEGORY IS W-1.
 7. THE EXISTING SEWER SERVICE CATEGORY IS S-1.
 8. A NATURAL RESOURCES INVENTORY FOR THE PROPERTY WAS APPROVED ON OCTOBER 5, 2021 UNDER PLAN # 420220400.
 9. ALL UTILITIES SHOWN ARE CONCEPTUAL AND SUBJECT TO CHANGE; SEE APPROVED UTILITY DRAWINGS. SERVICING UTILITY COMPANIES INCLUDE:
WATER & SEWER: WSSC
NATURAL GAS: WASHINGTON GAS
ELECTRIC: PERCO
TELECOMMUNICATIONS: VERIZON & COMCAST
 10. PROPERTY LINES AND LOT/PARCEL AREAS ARE SUBJECT TO ADJUSTMENT AT THE TIME OF SUBDIVISION RECORD PLAT COMPLETION.
 11. UNLESS SPECIFICALLY NOTED ON THIS PLAN DRAWING OR IN THE PLANNING BOARD CONDITIONS OF APPROVAL, THE BUILDING FOOTPRINTS, BUILDING HEIGHTS, SETBACKS, ON-SITE PARKING, SITE CIRCULATION, AND SIDEWALKS SHOWN ON THIS PRELIMINARY PLAN OF SUBDIVISION ARE ILLUSTRATIVE. THE FINAL DETAILS OF BUILDINGS, STRUCTURES, AND LANDSCAPE WILL BE DETERMINED AT THE TIME OF SITE PLAN REVIEW.

SITE DATA	
SUBJECT PROPERTIES	OLNEY ACRES PART OF LOTS 33, PART OF LOT 34 PLAT 12386
PROPERTY OWNER:	VEENA J. ALFRED TRUST 1810 CASHELL RD ROCKVILLE 20853
EXISTING TRACT AREA:	216,105 SF (4.96109 AC)
PRIOR DEDICATIONS:	N/A
PROPOSED DEDICATION:	NONE PROPOSED
GROSS TRACT AREA:	216,105 SF (4.96109 AC)
PROPOSED NUMBER OF LOTS:	2 LOTS
PROPOSED NUMBER OF PARCELS:	0
ZONING CLASSIFICATION:	RE-1
PROPOSED USE OF LOT 1:	RESIDENTIAL CARE (UP TO 8 PERSONS)
PROPOSED USE OF LOT 2:	VACANT
1. PROJECT IS NOT TAKING CREDIT FOR ANY PRIOR RIGHT-OF-WAY DEDICATION IN CALCULATING GROSS TRACT AREA.	

BOUNDARY CERTIFICATION

I HEREBY CERTIFY THAT THE BOUNDARY SHOWN HEREON IS CORRECT BASED ON EXISTING DEEDS AND PLATS RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, SUBJECT TO CHANGE UPON COMPLETION OF A FINAL RECORD PLAT.

DATE: _____
MACRIS, HENDRICKS, & GLASCOCK, P.A.
BY: WAYNE F. AUBERTIN
PROFESSIONAL LAND SURVEYOR
MARYLAND REG. NO. 21330
EXPIRATION DATE: JANUARY 7, 2023



Macris, Hendricks & Glascock, P.A.
Engineers ▪ Planners ▪ Surveyors ▪ Landscape Architects

9220 Wightman Road, Suite 120
Montgomery Village, Maryland
20886-1279



Phone 301.670.0840
Fax 301.948.0693

August 22, 2022

Maryland National Capital Park & Planning Commission
2425 Reedie Drive
Wheaton, MD 20902

Re: Alfred House/Cashell Road
MHG Project No. 08.169.13

To Whom It May Concern:

On behalf of Alfred House Elder Care, the applicant of the above referenced Forest Conservation Plan, we hereby request a variance from Section 22A-12.b(3)(C) of the Montgomery County Code, Chapter 22A for the impact of five specimen trees, as required by the Maryland Natural Resources Article, Title 5, Subtitle 16, Forest Conservation, Section 5-1611, and in accordance with Chapter 22A-21(b) of the Montgomery County Code. The proposed impacts to five trees over thirty inches satisfies the variance application requirements of section 22A-21(b).

1. *Describe the special conditions peculiar to the property which would cause the unwarranted hardship;*

The total property area subject to the associated forest conservation plan includes 4.96 acres. The property is being subdivided into a lot and an outlot. In order to access the two proposed lots a second driveway is proposed for the existing house. For the proposed driveway, tree #4 is impacted but saved. If the driveway were to be expanded on the other side of the house, specimen trees exist there as well and you would be impacting at least two specimen trees instead of just one and would likely result in the removal of tree #7. The current proposed driveway design results in the least amount of impacts to specimen trees while providing the necessary driveway to serve the existing house. In addition, the existing buildings and pool on the rest of the property are to be demolished. In order, to remove these things there are several specimen trees (#7, #10, #11, #13) with critical root zones that are over the areas both to be demolished and areas used for access to the demolition areas and cannot be avoided if they are to be accessed and removed.

A final area of disturbance is in the right of way where part of the apron of the existing driveway crosses in front of the proposed lot 1 and needs to be shortened. The entire driveway apron is within the critical root zone of tree #7. In order to remove this section of the apron, minor impacts are necessary within tree #7's critical root zone.

For all impacted trees, necessary stress reduction measures will be provided by an arborist to promote their survivability. For all of the above reasons, not allowing the proposed impacts would be a hardship that is not warranted.

2. *Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;*

The landowner's rights to develop their property as is done by others in similar areas would be deprived by not allowing the impacts to the subject trees. The affected specimen trees and their critical root zones are located within a non-forested area of the property. Two of the trees are along the front of the property and cannot be avoided to access the properties. The other trees are unavoidable in order to do the necessary demolition. As detailed above, specimen tree root zone impacts are unavoidable in order to develop the property. The inability to impact the subject trees would limit the development of the property. This creates a significant disadvantage for the applicant and deprives the applicant of the rights enjoyed by the neighboring and/or similar properties not subject to this approval process.

3. *Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance;*

A Stormwater Management Concept Exemption has been provided by Montgomery County Department of Permitting Services. The issuance of this letter confirms that a measurable degradation in water quality will not occur as a result of granting this variance request.

4. *Provide any other information appropriate to support the request.*

Mitigation will be provided for all specimen trees impacted in the form of stress reduction measures. A copy of the Forest Conservation Plan and a variance tree spreadsheet has been provided as part of this variance request. Please let us know if any other information is necessary to support this request.

Please contact me via email, at fjohnson@mhgpa.com, or by phone, at (301) 670-0840 should you have any additional comments or concerns.

Thank you,

Frank Johnson

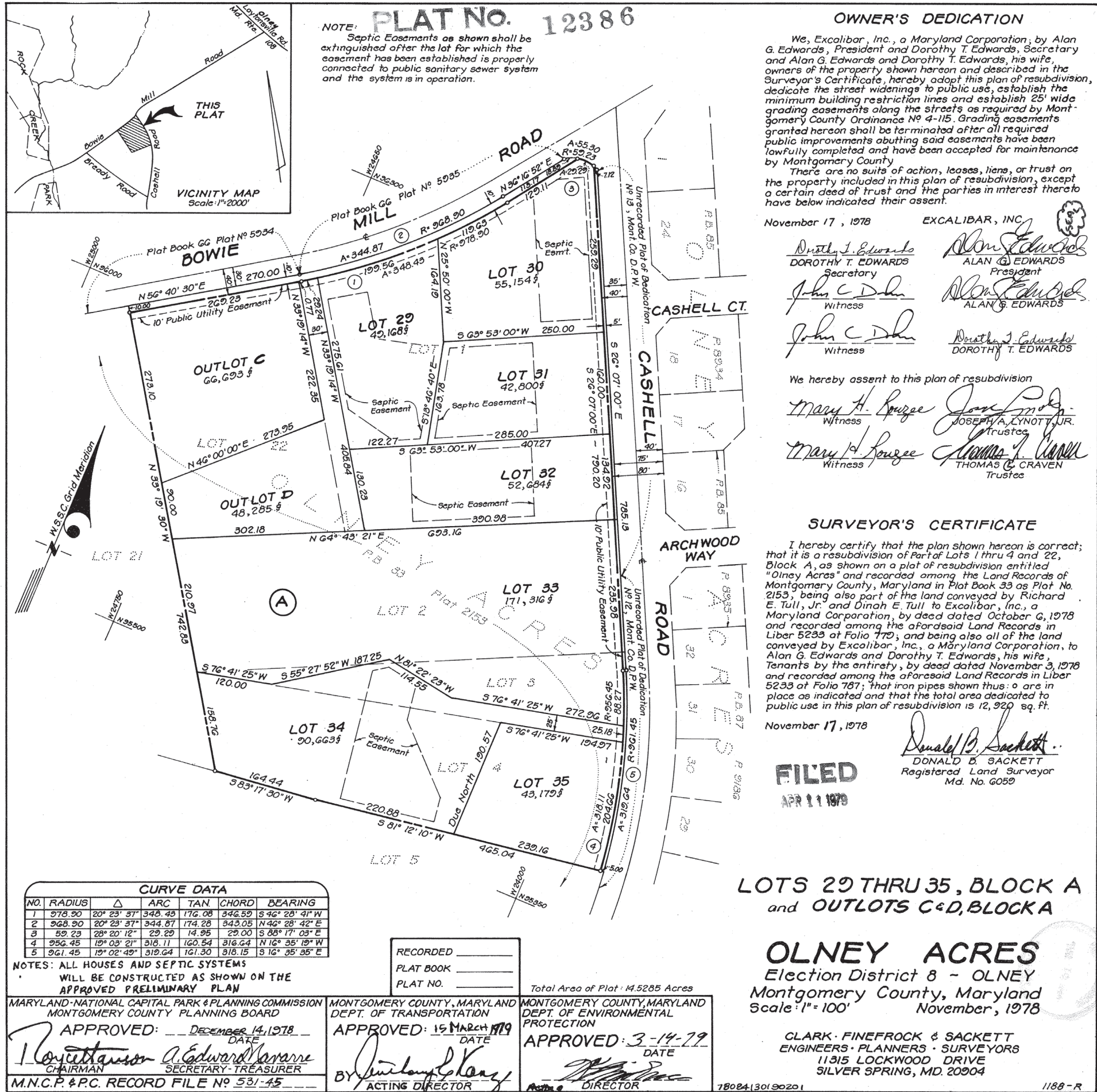
Frank Johnson

VARIANCE TREE IMPACT TABLE

Tree ID#	DBH	Species	Impact/Remove	% Impacted	Condition	Mitigation
4	42	Red Oak	Impact	30%	Fair	stress reduction measures
7	32	White Oak	Impact	44%	Fair	stress reduction measures
10	45	Tulip Poplar	Impact	12%	Good	stress reduction measures
11	34	Red Maple	Impact	19%	Good	stress reduction measures
13	37	Red Maple	Impact	29%	Fair/Poor	stress reduction measures

TREE IMPACTS ARE SMALLER THAN LISTED DUE TO CONSTRUCTION TRAFFIC GOING ON PAVED DRIVEWAY. IN THESE AREAS VEHICLES WILL STAY ON PAVEMENT AND NO ROOTS WILL BE DISTURBED.

MONTGOMERY COUNTY CIRCUIT COURT (Subdivision Plats, MO) Plat 12386, M 19-51349-02857 Date available 1979/04/18 Printed 02/20/2022 Maryland State Archives



ATTACHMENT I

SURVEYORS CERTIFICATE

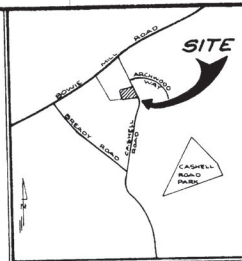
15496

I hereby certify that the plan shown hereon is correct, that it is a resubdivision of Part of Lot 34 Block A, Olney Acres, a plat of resubdivision recorded among the Land Records of Montgomery County, Maryland in Plat Book 107 as Plat 12386, being all of the land conveyed by Excalibur, Inc., a Maryland Corporation to Richard E. Tull Jr and Susannah F. Tull, his wife, by deed dated April 17, 1980 and recorded among said Land Records in Liber 5508 at Folio 681. Iron pipes marked thus -o- shall be placed as shown hereon.

Date: 2-22-84
 Surveyor: James M. Fowler, Jr.
 License: RLS # 4214

CURVE DATA

NO	Radius	Delta	Arc	Tangent	Chord	Chord Bearing
1	956.45	101°30'29"	25.18	12.59	25.18	S20°04'29"E
2	956.45	121°15'35"	204.66	102.72	204.27	S13°11'27"E



VICINITY MAP
 Scale: 1"=2000'

OWNERS DEDICATION

We, the undersigned, owners of the property described hereon, hereby adopt this plan of resubdivision, establish the minimum building restriction lines and grant to Montgomery County, Maryland, slope easements 25 feet wide across all lots adjacent, contiguous and parallel to all street right-of-way lines as required by Montgomery County Ordinance # 4-115. Said slope easements shall be extinguished at such time as the public improvements on the abutting rights-of-way have been completed and accepted for maintenance by Montgomery County, Maryland.

Further, we grant to Potomac Electric Power Company and to Chesapeake and Potomac Telephone Company of Maryland and to their respective successors, agents and assigns, an easement in, on and over the land described as Ten Foot Wide Public Utility Easement, designated hereon as "PUE" with the terms and provisions of such a grant being those set forth in a certain document entitled "Terms and Provisions for Public Utility Easements" and recorded among the Land Records of Montgomery County, Maryland in Liber 3834 at Folio 457, said terms and provisions being incorporated herein by this reference. There are no suits of action, leases, liens or trusts on the property included in this plan of resubdivision.

Date: 2-22-84

Witness: [Signature]

Witness: [Signature]

FILED

SEP - 6 1985

LOT 44 BLOCK "A"

OLNEY ACRES

EIGHTH ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND

Scale: 1"=100' October 1983

SARL Subject to Change with Approval of Health Department

Note: The Septic System is for a maximum of Six Bedrooms.

FOR PUBLIC WATER SYSTEMS ONLY

MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF TRANSPORTATION

APPROVED: APRIL 25, 1984

CHAIRMAN: [Signature]
 SECRETARY/TREASURER: [Signature]

M.N.C.P. & P.C. RECORD FILE NO. 559-37

MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF TRANSPORTATION

APPROVED: APRIL 25, 1984

BY: [Signature]
 For Director

MONTGOMERY COUNTY, MARYLAND
 HEALTH DEPARTMENT

APPROVED: August 29, 1985

BY: Donald A. Swette
 HEALTH OFFICER

LOIEDERMAN ASSOCIATES, Inc.
 CIVIL ENGINEERS - LAND SURVEYORS
 200-A Monroe Street
 Rockville, Maryland
 20850 (301) 762-0882

47-8102

559-37

Maryland State Archives